

Delhi High Court

State Bank Of India vs Dhiraj Jayant on 24 November, 2011

*** IN THE HIGH COURT OF DELHI AT NEW DELHI + LPA 14/2011**

STATE BANK OF INDIA Appellant Through Mr. Anil Kumar Sangal & Mr. Deba Prasad Mohanty, Advocates.

versus

DHIRAJ JAYANT Respondent Through Mr. Anuj Castelino, Advocate.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SANJIV KHANNA

ORDER

% 24.01.2011

The present intra-Court appeal has been preferred calling in question the legal substantiality of the order dated 26th November, 2010 passed by the learned single Judge in Writ Petition (Civil) No. 7614/2010 whereby while issuing notice has directed as follows:- "5. Till the next date of hearing, the direction contained in para 9 of the impugned order of the CIC dated 22nd October, 2010 shall remain stayed."

2. This Court while issuing notice had directed that there shall be stay of payment of the amount as directed by the CIC till the next date of hearing.

The respondent, viz., Mr. Dhiraj Jayant has been represented by Mr. Anuj Castelino.

3. In course of hearing of this appeal, a suggestion was given to the learned counsel for the parties whether they have any objection if the directions given by the Chief Information Commissioner in paragraphs 7 and 9 are quashed and a direction is given for enhancement of the amount as compensation under Section 19(8)(b) of the Right to Information Act, 2005. Mr. Anil Kumar Sangal, learned counsel for the appellant and Mr. Anuj Castelino, learned counsel for the respondent have fairly agreed for quashment of the directions but as far as enhancement is concerned, they left it to the discretion of the Court.

4. In view of the aforesaid, what remains to be dealt with is whether the compensation deserves to be enhanced. Regard being had to the aforesaid aspect, we record our concession as follows:- (a) The directions contained in paragraphs 7 and 9 passed by the Chief Information Commissioner vide order dated 22nd October, 2010 is quashed.

(b) Regard being had to the totality of circumstances, the award of compensation of Rs.1,000/- is enhanced to Rs.5,000/-. (c) The direction contained in paragraph 8 of the order impugned has been complied with. Thus, the respondent has no grievance at this juncture barring compensation by way of enhancement, which has been enhanced.

5. In view of the aforesaid, the present appeal is allowed and the order passed by the learned single Judge is set aside. Be it further clarified that as nothing remains to be adjudicated in the Writ Petition (Civil) No. 7614/2010, the writ petition shall also be deemed to have been disposed of. The date 28th January, 2011 given in the writ petition stands cancelled. There shall be no order as to costs. CHIEF JUSTICE

SANJIV KHANNA, J.

JANUARY 24, 2011

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